

EXHIBIT 2

1 Volume I

Pages: 1 - 242

2 Exhibits: 1 - 27

3 UNITED STATES DISTRICT COURT

4 DISTRICT OF MASSACHUSETTS

5 No. 04-CV-11948-RGS

6 SEYED MOHSEN HOSSEINI-SEDEHY,

7 Plaintiff

8 vs.

9 ERIN T. WITHINGTON and the CITY

10 OF BOSTON,

11 Defendants

12
13 DEPOSITION OF ERIN T. WITHINGTON

14 Thursday, March 31, 2005

15 10:00 a.m. - 4:32 p.m.

16 SMITH & DUGGAN LLP

17 55 Old Bedford Road

18 Lincoln, Massachusetts 01773-1125

19
20
21
22 FARMER ARSENAULT BROCK LLC

23 617.790.4404 FAX 617.728.4403

24 Reporter: Cynthia C. Henderson/RPR

Erin T. Withington - March 31, 2005

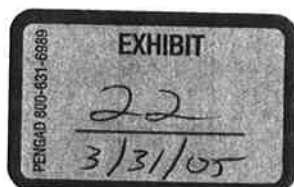
<p style="text-align: right;">190</p> <p>1 Q. And this report that you had drafted, you 2 had indicated that Mr. Hosseini was booked without 3 incident. Correct? 4 A. Yes. 5 Q. Is it fair to say Mr. Hosseini was polite 6 to you on March 22, 2004? 7 A. Yes. 8 Q. Was he cooperative? 9 A. Yes. 10 Q. Did he in any way exhibit any uncooperative 11 manner to you on the 22nd of March, 2004? 12 A. No. 13 Q. No? 14 A. No. 15 Q. How about when you sat down and talked with 16 him that one day? Was there anything that he did or 17 said that was uncooperative? 18 A. Only -- 19 Q. When you sat down with him at your office. 20 A. No. At my office? 21 Q. At your office. 22 A. No. 23 Q. Now, you were aware that Mr. Bavis dialed 24 911 at about 3:30 on that afternoon?</p>	<p style="text-align: right;">192</p> <p>1 identification.) 2 Q. Can you please identify what has been 3 marked Exhibit No. 21? 4 A. It's the letter from the Mass. Convention 5 Center to Mr. John Perry asking that Mr. Joe Bavis 6 not be allowed to work inside the Hynes Convention 7 Center anymore. 8 Q. Why is that? 9 A. Because he has demonstrated he creates and 10 is capable of creating an unsafe environment for 11 their employees. 12 Q. Did you know about the Mass. 13 Convention Center Authority's knowledge of 14 Mr. Bavis's behavior when you arrested Mr. Hosseini 15 on March 22nd, 2004? 16 A. No. 17 Q. And in light of the information that is 18 contained in Exhibit 21, do you think it would have 19 been appropriate to speak with someone at the 20 Massachusetts Convention Center Authority about Mr. 21 Bavis before seeking an arrest warrant for Mr. 22 Hosseini on March 22nd, 2004? 23 MS. AMBARIK: Objection. You can 24 answer.</p>
<p style="text-align: right;">191</p> <p>1 A. No. 2 Q. Were you aware that a police officer had 3 arrived at around 5:00 p.m. at the Hynes to speak 4 with Mr. Bavis because he had reported an assault by 5 another Teamster? 6 A. No. 7 Q. Did you talk with Mr. Bavis after March 22, 8 2004? 9 A. I think -- I am not a hundred percent sure. 10 I think I talked to him once about the court date. 11 Q. Did he mention anything about being 12 assaulted by any person on the afternoon of March 13 22nd, 2004 after you had arrested Mr. Hosseini? 14 A. No. 15 Q. Did any police officer from the Boston 16 Police Department tell you that they responded to 17 the Hynes Convention Center on March 22, 2004 to 18 speak with Mr. Bavis an hour and half after he 19 dialed 911 and Mr. Bavis wasn't there to speak with 20 them? 21 A. No. 22 (Letter from the Massachusetts 23 Convention Center to John Perry 24 marked Exhibit No. 21 for</p>	<p style="text-align: right;">193</p> <p>1 A. I think it was irregardless. I had 2 probable cause to arrest Mr. Hosseini at the time 3 that he was arrested, so irregardless what other 4 persons had to say, I had it based on what Mr. Bavis 5 had to say. 6 Q. Now, other than the two reports, Exhibits 7 17 and 20, did you draft any other police reports 8 before March 22nd, 2004 regarding the investigation 9 of Bavis's allegations? 10 A. Yes. 11 Q. Which ones? 12 A. My followup report and my update report. 13 (Followup interview report marked 14 Exhibit No. 22 for 15 identification.) 16 Q. Can you please take a look at Exhibit No. 17 22? 18 A. 22? Yes. 19 Q. What is Exhibit No. 22? 20 A. That is my followup report regarding the 21 interview with Joe Bavis and Joe Perry. 22 Q. And the date of that report is what? 23 A. The date it was written or the date it was 24 printed?</p>

BOSTON POLICE**CONFIDENTIAL****SEXUAL ASSAULT UNIT
CONFIDENTIAL INFORMATION****FOLLOW UP INVESTIGATION REPORT**

	AREA-DISTRICT D-4	DATE 10/07/04
TYPE OF INCIDENT Indecent assault & battery 14 & above	DATE OF INCIDENT 1/1/2003	
VICTIM/COMPLAINANT Joseph Bavis	ADDRESS 138 Athens St.	
CC NUMBER 040143112	INCIDENT LOCATION 900 Boylston St.	
ASSIGNED TO Detective Erin Schroeder	DATE ASSIGNED 3/22/2004	

RESULTS:

I met with victim Joe Bavis and Joe Perry together on December 22, 2003 regarding some incidents that had taken place at 900 Boylston Street, Hynes Convention Center, during the years 2002-2003. Mr Bavis stated to me that he had been standing on the loading dock, he believed it to be the beginning of 2003, when the suspect (Mohsen Hosseni) came up to him and reached around and grabbed the victim's buttocks and began to grind against the victim's crotch with his own and kissed the victim on the face. The victim stated he told the suspect to leave him alone or he would hit him and the suspect, who is the victim's boss, then ordered the victim to go home for the day and leave the work site. Mr Joe Perry also works for the teamsters union and Mr Bavis requested he stay in the room while he talked to me. Mr Perry stated that the suspect has also touched his buttocks before or kissed him on the cheek and he also has told the suspect to leave him alone or he would physically hurt him.



Page 1